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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**Shirley Lindsay,**

Plaintiff,

v.

**Grupo Glemka Commercial,  
LLC**, a California Limited Liability  
Company;  
**Bedder Corp**, a California  
Corporation; and Does 1-10,

Defendants.

Case No. 2:18-cv-05136-GW-MRW

**Joint Report (Rule 26) for  
Scheduling Conference**

Date: December 6, 2018  
Time: 8:30 a. m.

Honorable Judge George H. Wu

Pursuant to Rule 26 of the Federal Rules of Civil Procedure and the Order Setting Status Conference filed October 24, 2018, the parties hereby submit the following Joint Report.

**I. Brief Factual Summary of the Case and Claims Being Asserted**

Plaintiff: Shirley Lindsay suffers from arthritis (osteoarthritis of multiple joints; spinal stenosis of the lumbar spine; and essential hypertension) of her hands, knees, and hips. She uses both a cane and wheelchair for mobility. Defendant Grupo Glemka Commercial, LLC owns the real property located at or about 12680 Foothill Blvd., Sylmar, California. Defendant Bedder Corp owns the Bedder Mattress located at or about 12680 Foothill Blvd., Sylmar, California.

There were no van-accessible parking spaces in the parking lot where Bedder Mattress is located. The only parking space designed and reserved for persons with disabilities in the parking lot where Bedder Mattress is located is a standard stall that measures 96 inches in width. The access aisle is 60 inches in width. This stall is not van accessible. Additionally, the standard handicap parking space did not have the required “NO PARKING” lettering in the access aisle. Plaintiff alleges that there used to be a van-accessible parking space in the parking lot where Bedder Mattress is located. Unfortunately, the parking space has been allowed to fade or get paved over. Additionally, and even though the plaintiff did not confront the barrier, due to the configuration of the merchandise at Bedder Mattress, the paths of travel were less than 36 inches in width. In fact, the narrowest pathway is 14 inches wide.

The defendant’s failure to provide for van-accessible parking space and accessible path of travel at the Bedder Mattress is a violation of the ADA and is discriminatory against the plaintiff. Defendant violates plaintiff’s rights under the American with Disabilities Act and the Unruh Civil Rights Act, and therefore, she seeks injunctive relief and statutory minimum damage award.

Defendants: The Defendant, Grupo Glemka Commerical, LLC, is the owner of the subject property, while the Defendant, Bedder Corp, is its tenant.

1 On or about August 7, 2018, a CASp inspection was performed by Jeff  
2 Becker (CASp #468) of USA-ADA and his findings were conveyed  
3 immediately thereafter to the Defendant, Grupo Glemka Commerical, LLC.

4 On or about August 10, 2018, three days later, the Plaintiff's Summons  
5 and Complaint were both personally served on the Defendant, Grupo Glemka  
6 Commercial, LLC.

7 All barriers, deficiencies, etc., complained about in the Plaintiff's  
8 Complaint have been addressed and repaired by the Defendants in a timely,  
9 professional manner.

## 10 11 **II. Complexity**

12 This case is not complex. There is no need for reference to the  
13 procedures set forth in the Manual on Complex Litigation.

## 14 15 **III. Motions Schedule**

16 Plaintiff: anticipates filing a motion for partial summary judgment on  
17 the issue of duty and liability under the American with Disabilities Act. This  
18 will occur after the necessary depositions are taken in this case. Plaintiff also  
19 intends to conduct an expert led site inspection to identify each barrier that  
20 would affect her type of disability and, then, amend the complaint to ensure  
21 that the ADA claim reflects her intention to have all unlawful barrier removed  
22 or remediated. This is the two-step process permitted and required by *Doran*  
23 *v. 7-Eleven Inc.*, (9th Cir. 2008) 524 F.3d 1034 and *Chapman v. Pier 1 Imports*  
24 *(US) Inc.*, 631 F.3d 939 (9th Cir. 2011).

25 Defendants: do not anticipate filing any motions at this time.

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1 **IV. Settlement**

2 The parties believe that settlement is likely in this case. The parties  
3 believe that L.R. 16-15.4, Settlement Procedure Number 2—settlement  
4 proceedings before an attorney selected from the Attorney Settlement Officer  
5 Panel—should be utilized in this case.

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7 **V. Trial Estimate**

8 Plaintiff: anticipates a 2-3 day trial. Plaintiff proposes that the Final  
9 Pretrial Conference be set for December 23, 2019 and the Trial date be set for  
10 January 7, 2020.

11 Defendants: concur with the Plaintiff's trial estimate and proposed  
12 dates.

13  
14 **VI. Additional Parties**

15 Plaintiff: does not anticipate joining any additional parties.

16 Defendants: do not anticipate joining any additional parties.

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18 **VII. Expert Witnesses**

19 The parties do not propose any changes to the timing requirements  
20 found under Rule 26(a)(2)(D)&(E) of the Federal Rules of Civil Procedure for  
21 the disclosure of expert witnesses.

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23 **RULE 26 DISCOVERY PLAN**

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25 **A. Initial Disclosures**

26 The Parties do not seek any changes to the timing, form or requirements  
27 for initial disclosures. The parties consent to exchange Initial Disclosures via  
28 email by December 20, 2018.

1     **B.     Discovery**

2             Plaintiff: will seek discovery related to: (1) ownership and operation of  
3 the business; (2) lack of van-accessible parking space and accessible path of  
4 travel at the Bedder Mattress; (3) changes or modifications to the property; (4)  
5 the feasibility of providing access to persons with disabilities. The plaintiff  
6 intends to propound a set of Interrogatories, Requests for Admission and  
7 Requests for Production of Documents; to take the deposition of the  
8 Defendants and to conduct an expert site inspection.

9             Defendants: will seek discovery related to the Plaintiff's physical  
10 disabilities and damages. The Defendants intend to propound Interrogatories,  
11 Requests for Admissions, and to take the Plaintiff's, as well as her Son's, oral  
12 depositions.

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14             The parties do not propose to conduct discovery in phases. The parties  
15 consent to receive by e-mail all discovery responses that are capable to be  
16 received via electronic means. The parties propose a discovery cutoff date of  
17 October 14, 2019.

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19     **C.     Electronic Discovery**

20             Plaintiff: hereby requests that, as part of initial disclosures, Defendant  
21 produce all surveillance audio and video footage recorded at Defendants'  
22 facility; and which is in its possession or under its control. Defendant has an  
23 ongoing duty to preserve these video tapes and can no longer destroy or copy  
24 over such videotape footage.

25             Defendants: intend to comply with the Plaintiff's request.

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27     **D.     Privilege Issues**

28             The parties do not see any issues regarding privilege in this case.

**E. Changes to Discovery Rules**

Plaintiff: Plaintiff requests that rule FRCP 33(a)(1) limits be increased to 45 for all parties. Plaintiff otherwise requests no deviation from the Federal and Local Rules.

Defendants: Defendants concur with the Plaintiff's requests to changes to discovery rules.

**F. Other Orders**

The parties do not propose that the Court issue any other orders under Rules 16(b), 16(c) or 26(c) of the Federal Rules of Civil Procedure. The parties propose the following case management dates:

<b>Matter</b>	<b>Date</b>
Last day to Amend Pleadings or Add Parties	7/15/2019
Initial Expert Disclosure	9/2/2019
Rebuttal Expert Disclosure	9/30/2019
Discovery Cut Off Date (including experts)	10/14/2019
Last day to conduct settlement conference	10/28/2019
Pretrial Conference	12/23/2019
Trial	1/7/2020

1 Dated: November 15, 2018

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5 By: /s/Dennis Price  
6 Dennis Price  
7 Attorney for Plaintiff

8 Dated: November 14, 2018

LAW OFFICES OF GREGORY RUBEL

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11 By: /s/Gregory Rubel  
12 Gregory Rubel  
13 Attorney for Defendants  
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**SIGNATURE ATTESTATION**

Pursuant to Civil L.R 5-4.3.4(a)(2)(i), I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this document's content and have authorized the filing of this document with the use of their electronic signature.

Dated: November 15, 2018

CENTER FOR DISABILITY ACCESS

By: /s/Dennis Price  
Dennis Price  
Attorney for Plaintiff



**EXHIBIT A****PROPOSED SCHEDULE OF PRETRIAL & TRIAL DATES**

<b>Matter</b>	<b>Weeks Before Trial</b>	<b>Parties Request</b>
Last Day for Hearing on Motion to Add Parties and Amend Pleadings <b>(Monday at 10:00 a.m.)</b>	25	7/15/2019
Non-Expert Discovery Cut-Off	15	9/23/2019
Expert Discovery Cut-Off	12	10/14/2019
Last Day to Conduct Settlement Proceedings	10	10/28/2019
Last Day for Law and Motion Hearings	8	11/11/2019
Final Pretrial Conference <b>(Monday at 1:30 p.m.)</b>	2	12/23/2019
Last Day for Filing Proposed Findings of Facts and Conclusions of Law (if court trial)	1	12/30/2019
Exhibit Conference <b>(Friday at 3:00 p.m.)</b>	Friday before Trial	1/3/2020
Trial <b>(Tuesday at 9:00 a.m.)</b>		1/7/2020